

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

OFFICE OF
MANAGING DIRECTOR

JAN 08 2003

Mr. Charles W. Holt
WHNY Radio
P.O. Box 1223
1114 Highway 570 East
McComb, MS 39648

Re: Request for Waiver of FY 2002
Regulatory Fee
Fee Control No.: 00000RROG-03-003

Dear Mr. Holt:

This letter is in response to your request for waiver of the regulatory fee for Fiscal Year (FY) 2002 in the amount of \$725 filed with respect to AM station WHNY, McComb, Mississippi.

You recite that after the terrorist attacks of September 11, 2001, McComb has suffered a depression. **As** a result, you state that many businesses have been forced to close or cut employees due to financial losses, and these circumstances have greatly affected the revenues of WHNY. You therefore request a waiver of the regulatory fee for FY 2002. In support, you attach a letter from your certified public accountant, which states that the net operating loss for the period from 1996 through 2000 was \$32,675.

In establishing a regulatory fee program, the Commission recognized that in certain instances payment of a regulatory fee may impose an undue financial hardship upon a licensee. The Commission therefore decided to grant waivers or reductions of its regulatory fees in those instances where a "petitioner presents a compelling case of financial hardship." &Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), recon, granted, 10 FCC Rcd 12759 (1995). The Commission further held that regulatees can establish financial need by submitting:

[I]nformation such as a balance sheet and profit and loss statement (audited, if available), a cash flow projection . . . (with an explanation of how calculated), a list of their officers **and** their **individual** compensation, together with a list of their highest paid employees, other than officers, and the amount of their compensation, or similar information.

10 FCC Rcd at 12761-62.

Mr. Charles W. Holt

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In determining whether a licensee has sufficient revenues to pay its regulatory *fees*, the Commission relies upon a licensee's cash flow, as opposed to the entity's profits. Thus, although deductions for amortization and depreciation, which do not affect cash flow, and payments to principals, reduce gross income for tax purposes, those deductions also represent money which is considered to be available to pay the regulatory fee.

In the absence of appropriate documentation, you have failed to establish a compelling case of financial hardship for FY 2002. Therefore, your request for waiver of WHNY's FY 2002 regulatory fee is dismissed. Payment of the **FY 2002** regulatory fee of **\$725** is now due. This payment should be submitted together with a Form 159 (copy enclosed) within 30 days from the date of this letter. In view of your allegations of financial hardship, however, in lieu of payment, WHNY's request may be refiled together with appropriate supporting documentation within 30 days from the date of this letter.

If payment or a refiled request is not received within **30** days from the date of this letter, WHNY will be assessed a late fee of **25%** of the unpaid amount of the regulatory fee.

If you have any questions concerning this letter, please contact the Revenue and Receivable Operations Group at (202) 418-1995.

Sincerely,

Chief Financial Officer

Enclosure

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WHNY

POSTAL PROCESS
CENTRAL MAIL

P.O. Box 1223.1114 Highway 570 East • McComb, MS 39648
Phone (601) 250 - 1250 • Fax (601) 250 - 1254

September 23, 2002

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SEP 26 2002

FCC - MAILROOM

Federal Communications Commission
Office Of Managing Director
445 12th Street SW
Room 1-A.625
Washington, D.C. 20054

Subject: Reference To Fee Waiver 1-1166 [C]

To Whom It May Concern:

After the terrorist events of September 11, 2001 this little town is suffering a depression. Many local businesses have been forced to close and many others who have managed to survive for now the financial losses have been forced to cut employees. The unfortunate circumstances of these local businesses has greatly affected the revenue of WHNY. We manage to survive mainly through the dedication and commitment of our few, but loyal employees. Their love and dedication to the community we serve is commendable. Personally, I continue to put my own limited money and resources into the daily operation of the station. My meager Social Security income is not always sufficient to meet all the needs of the station operation. but so far we manage to stay afloat in anticipation of better days. At 81 years of age it is difficult for me to drive the 200+ miles each day from Hattiesburg to YcComb and back. However, I love this business and have devoted my life to sewing the local communities we cover. Throughout my 64 years in the broadcast business I have learned that helping others always returns to you just when you need it most. I have tried to help the community with that thought in my mind.

I plead with you to waive the regulatory fee for this year. Waiving of this fee would greatly reduce the stress on me and our employees. If you are not able to waive the regulatory fee this year it will endanger this station being able to remain on the air and serve this economically depressed community. There are many wonderful people in McComb and southwest Mississippi who will greatly appreciate your kindness.

If you can waive the regulatory fee for this year and give a reduced fee next year, we will make every possible effort to pay the fee in 2003.

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McARTHUR, THAMES, SLAY and DEWS, PLLC

Members:

Harry McArthur, Jr., CPA
Baron W. Thames, CPA
Herbert Slay, Jr., CPA
L. Andrew Dews, CPA
Mary Glenn Bradley, CPA
Harry McArthur, III, CPA

Certified Public Accountants

#1 Commerce Drive, Suite 100
Hattiesburg, Mississippi 39402

Members.

American Institute
of Certified Public
Accountants
Mississippi Society
of Certified Public
Accountants

September 23, 2002

Federal Communication Commission
Office of Managing Director
445 12th Street SW, Room I-A, 625
Washington, D. C. 20054

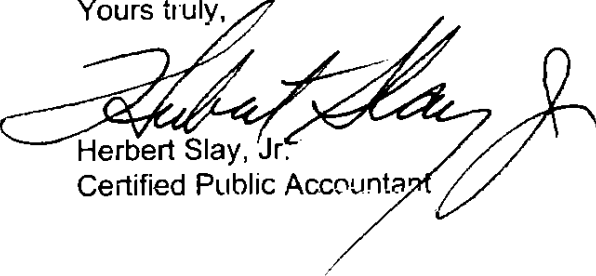
Re: CWH Broadcasting, Inc.

Dear Sir:

In November of 1996 Mr. Holt formed CWH Broadcasting, Inc. The net operating loss for the period 1996 through December 31, 2000 was **\$32,675.00**.

The 2001 tax return has not been prepared because information necessary to file a complete return is not available.

Yours truly,



Herbert Slay, Jr.
Certified Public Accountant

HSjr/lsp

cc: CWH Broadcasting, Inc.

WHNY is one of the oldest stations in Mississippi. It was established in September 1939 to the best of my memory. I have personally owned the station for more than fifty years and would like to continue to personally be a part of this community and serve the good people of this area even though, it will require me to continue to put in my personal money.

Enclosed you will find a letter from our CPA showing the need for the waiver this year and the reduction for next year. Thank you in advance for your personal efforts to help this station remain on the air during these trying times, and anticipation of better days ahead.

With sincerest appreciation I remain,

A handwritten signature in black ink, appearing to read "Charles W. Holt". The signature is fluid and cursive, with a prominent initial "C" and a long, sweeping underline.

Charles W. Holt
WHNY Radio